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**ACTS**  
**INCORPORATING**  
**THE**  
**Great Western Rail-Road Company.**  
**WITH**  
**THE SEVERAL AMENDMENTS THERETO:**  
**TOGETHER WITH**  
**THE ACT GUARANTEEING THE PROVINCE TO**  
**THE BONDS OF RAILWAY COMPANIES:**  
**AND THE**  
**ACT EMPOWERING MUNICIPAL CORPORATIONS**  
**TO SUBSCRIBE FOR STOCK**  
**IN**  
**THE GREAT WESTERN RAILROAD**  
**COMPANY.**

**HAMILTON, C. W.:**

**PRINTED AT THE SPECTATOR OFFICE.**

**1850.**

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ACTS

INCORPORATING

THE

Great Western Railway Company

WITH

THE SEVERAL ACTS RELATIVE TO THE

TOOTHILL RAILWAY

THE ACT RELATIVE TO THE PROVISION OF

THE BONDS OF RAILWAY COMPANIES

AND THE

ACT RELATIVE TO THE RAILWAYS

THE RAILWAY STOCK

IN

THE GREAT WESTERN RAILROAD

COMPANY

HAMILTON C. W.

PRINTED AT THE PRINTING OFFICE

1850

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ACT  
INCORPORATING  
THE GREAT WESTERN RAILROAD COMPANY:

ORIGINALLY CHARTERED AS

"THE LONDON AND GORE RAILROAD COMPANY:"

WITH THE AMENDMENTS THERETO.

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WHEREAS certain Inhabitants of the District of London, and others, have petitioned for the passing of a law, incorporating a Joint Stock Company, for the purpose of constructing a single or double track, wooden or iron Railroad or way, commencing at the Town of London, in the London District, and extending to the Harbor of Burlington Bay, at the head of Lake Ontario, in the District of Gore, and also, to the navigable waters of the River Thames and Lake Huron; And, whereas it is expedient to incorporate a Joint Stock Company, for the purpose hereinafter mentioned; Be it, &c., That Edward Allan Talbot, Thomas Parke, George J. Goodhue, Allan Napier MacNab, Colin Campbell Ferrie, John M'Farlane, William Robertson, Thomas Gibbins Lawrason, Dennis O'Brien, John Scatchard, James Hamilton, Joseph Cowley, Nicholas Gaffney, Joseph O'Dell, John O'Neill, James Farley, John Jennings, Harvey Sheppard, John Kent, Albert S. O'Dell, Henry Shennick, Hiram D. Lee, Burley Hunt, Nathan Griffith, Andrew Drew, Robert

Preamble.

Company  
formed.

Company  
a Body Cor-  
porate.

Alway, Peter Carroll, Charles Duncombe, Thomas Horner, Alvin Turner, E. A. Spalding, George W. Whitehead, Peter Bamberger, Manuel Overfield, James M'Farlane, James Bell Ewart, Thomas S. Horner, Joseph Grier, G. W. Bremyer, Nathan Jacobs, Charles Goulding, Thomas W. Howard, Thomas J. Jones, James Ingersoll, John Young, John Weir, A. M'Donell, William Bull Sheldon, Ebenezer Stinson, Samuel Mills, Peter Hunter Hamilton, Abraham K. Smith, Joseph Roleston, Thomas Taylor, Henry Carroll, Calvin Martin, James Ritchie, E. Jackson, Jedediah Jackson, Welcome Yale, Luke V. Spur, Ira Scofield, Mahlon Burwell, Andrew Burwell, David Archibald MacNab, William Notman, Matthew Crooks, Oliver Tiffany, William Case, A. Smith, John Law, and Miles O'Reilly, with all such other persons as shall become Stockholders in such Joint Stock or Capital, as hereinafter mentioned, shall be, and are hereby ordained, constituted and declared to be a body corporate and politic, in fact, by and under the name and style of "THE LONDON AND GORE RAIL ROAD COMPANY;" and by that name, they and their successors shall and may have continued succession; and by such name shall be capable of contracting and being contracted with; of suing and being sued, pleading and being impleaded; answering and being answered unto, in all courts and places whatsoever; in all manner of actions, suits, complaints, matters, and concerns, whatsoever; and they and their successors may and shall have a common seal, and may change and alter the same at their will and pleasure; and also, that they and their successors, by the same name of "THE LONDON AND GORE RAIL ROAD COMPANY," shall be, by law,

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capable of purchasing, having and holding, to them and their successors, any estate, real, personal or mixed, to and for the use of the said Company, and of letting, conveying, and otherwise departing therewith, for the benefit, and on account of the said Company, from time to time, as they shall deem necessary and expedient; provided always, nevertheless, that the real estate to be held by the said Company shall be only such as shall be required to be held by them for the purpose of making, using, and preserving the said Rail Road, and for objects immediately connected therewith.

May hold  
Real Estate  
for Railroad  
purposes  
only.

II. And be it enacted, That the said Company and their agents or servants, shall have full power under this Act, to lay out, construct, make and finish a double or single iron or wooden Rail Road, or Way, at their own costs or charges, on and over any part of the country, lying between the town of London and Burlington Bay, and to the navigable waters of the River Thames, and also to Lake Huron; and to take, carry, and transport thereon passengers, goods and property, either in carriages used and propelled by the force of steam, or by the power of animals, or by any mechanical or other power, or by any combination of power which the said Company may choose to employ.

Company  
empowered  
to construct  
Railroad be-  
tween Lon-  
don & Bur-  
lington Bay,  
to navigable  
waters of ri-  
ver Thames  
and to lake  
Huron; for  
transport of  
passengers  
& property.

III. And be it enacted, That the said Company are hereby empowered to contract, compound, com- promise and agree with the owners or occupiers of any land, upon which they may determine to con- struct the said Rail Road, either by purchase of so much of the said land and privileges as they shall require, for the purpose of the said Company, or for the damage, which he, she, or they shall or may be entitled to receive of the said Company, in conse-

May con-  
tract for  
lands or for  
damage  
done.

quence of the said intended Rail Road being constructed in and upon his, her, or their respective lands; and in case of any disagreement between the said Company and the owner or owners, occupier or occupiers, as aforesaid, it shall and may be lawful from time to time, for each owner or occupier so disagreeing with the said Company, either upon the value of lands and tenements or private privileges proposed to be purchased, or upon the amount of damages to be paid to them as aforesaid, to nominate and appoint one or more indifferent person or persons, and for the said Company to nominate an equal number of indifferent persons, who, together with one or other person, to be elected by ballot, by the persons so named, shall be arbitrators, to award, determine, and adjudge and order the respective sums of money, which the said Company shall pay the respective persons entitled to receive the same, the award of the majority of whom shall be final; and the said arbitrators shall be and are hereby required to attend at some convenient place in the vicinity of the said intended Rail Road, to be appointed by the said Company after eight days notice given for that purpose by the said Company, then and there to arbitrate and award, adjudge and determine such matters and things as shall be submitted to their consideration by the parties interested, and that each arbitrator shall be sworn before one of His Majesty's Justices of the Peace, in and for either of the Districts of London or Gore, any of whom may be required to attend the said meeting for that purpose, well and truly to assess the damage between the parties, according to the best of his judgment. Provided always, that any award made under this Act shall be subject to be set aside on

Arbitrators  
appointed;

Their duties  
&c.

Award sub-  
ject to juris-  
diction of  
King's  
Bench.

application to the Court of King's Bench, in the same manner, and on the same grounds as in ordinary cases of submission by the parties, in which case a reference may be again made to arbitration, as hereinbefore provided. [*This section is modified in regard to reference to arbitration by 9 Vic., Chap. 81, Section 26.*]

IV. And be it enacted, That whatever sum of money may be finally awarded to any person or persons, for compensation for property required to be occupied, or for damages occasioned by the interference of the said Company, with his, or their property, rights or privileges, shall be paid within three months from the time of the same being awarded; and in case the said Company shall fail to pay the same within that period, then their rights to assume any such property, or commit any act, in respect of which such sum of money was awarded, shall wholly cease, and it shall be lawful for the proprietor to resume his occupation of such property; and to possess fully his rights and privileges in respect thereof, free from any claims or interference of the said Company.

V. And be it enacted, That the London and Gore Rail Road Company, shall have full power and authority to explore the country lying between the town of London, in the London District, and Burlington Bay; and also lying between the said town of London and the navigable waters of the River Thames; and also, between the said Town of London and Lake Huron; and to designate and establish, and for the said Company to take, appropriate, have and to hold, to and for the use of them and their successors, the line and boundaries of a double or single Rail Road, with their necessary

Compensation awarded shall be paid within 3 months, or property may be resumed.

Company empowered to explore country along intended line of road, and appropriate & hold land necessary for their rail road.



Make roads,  
&c.

And alter  
and enlarge  
the same for  
general pur-  
poses.

Rail Ways, to connect the town of London, in the London District, with Burlington Bay, the navigable waters of the River Thames, and also Lake Huron; and for the purposes aforesaid, the said Company, their agents, servants and workmen, are hereby authorised and empowered to enter into and upon the lands and grounds of and belonging to the King's Majesty, his heirs or successors, or to any other person or persons, bodies politic or corporate, and to survey and take levels of the same, or any part thereof; and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said double or single Rail Road, and all such matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing and using on the said intended Rail Road, and also to make, build, erect, and set up, in and upon the route of the said Rail Road, or upon the lands adjoining, or near the same, all such works, ways, roads, and conveniences as the said company shall think requisite and convenient for the purposes of the said Rail Road; and also, from time to time, to alter, repair, amend, widen, or enlarge the same, or any other of the conveniences above mentioned, as well for carrying or conveying goods, commodities, timber, and other things, to and from the said Rail Road—as for carrying and conveying of all manner of materials necessary for making, erecting, furnishing, altering, repairing, amending, widening, or enlarging the works of and belonging to the said Rail Road; and also, place, lay, work, and manufacture the said materials on the ground near to the place or places where the said works, or any of them are, or shall be intended to be made, erected, repaired, or done;

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and to build and construct the several works and erections belonging thereto; and also, to make, maintain, repair and alter any fences or passage under or through the said Rail Road, or which shall communicate thereto; and to construct, erect, and keep in repair any piers, arches, or other works, in and upon, and across any rivers or brooks, for making using, maintaining, and repairing the said Rail Road and side-paths; and also to construct, make, and do all other matters and things which they shall think necessary and convenient for making, effecting, preserving, improving, completing, and using the said Rail Road, in pursuance, and in the true meaning of this Act, they the said Company, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein mentioned, for all damages to be sustained by the owners or occupiers of such lands, tenements, or hereditaments.

VI. And be it enacted, That it shall and may be lawful for the President and Directors of the said Company, from time to time, to fix, regulate, and receive the tolls and charges to be received for the transportation of property or persons, on the single or double Rail Road or Way aforesaid, hereby authorized to be constructed, erected, built, made and used.

President  
and Directors  
to establish  
and regulate  
tolls.

VII. And be it enacted, That the said double or single Rail Road or Way, and all materials which shall be, from time to time, got or provided for constructing, building, maintaining, or repairing the same, and the said tolls on goods, wares and merchandise, or passengers herein before mentioned, shall be, and the same are hereby vested in the said Company, and their successors for ever.

Railroad  
and tolls  
vested in the  
Company.

Tolls  
payable.

VIII. And be it enacted, That so soon as the said double or single iron or wooden Rail Road or Way shall be so far completed, as to be capable of being used for the transportation of property or passengers, the said Company shall have full power and authority to ask for, demand, receive, recover, and take the tolls and dues, to and for their own proper use and benefit, on all goods, merchandise and passengers, using or occupying the said double or single iron or wooden Rail Road or Way, or any other convenience, erection, or improvement, built, occupied, or owned by the said Company, to be used therewith; and shall have power to regulate the time and manner in which goods and passengers shall be transported, taken, and carried on the same, as well as the manner of collecting all tolls and dues on account of transportation and carriage, and shall have power to erect and maintain such toll-houses and other buildings, for the accommodation and proper transaction of their business, as to them may seem necessary.

Company  
may con-  
struct their  
Railroad a-  
cross any  
stream or  
watercourse  
highway, &c

IX And be it enacted, That whenever it shall be necessary for the construction of their single or double Rail Roads, or Ways, to intersect or cross any stream of water, or water course, or any road or highway, on the route of the said Rail Road or Way, between the Town of London, in the London District, and Lake Ontario, it shall be lawful for the Corporation to construct their single or double Rail Road or Way across or upon the same: provided that the Corporation shall restore the stream or water course, or road or highway, thus intersected, to its former state, or in a sufficient manner not to impair its usefulness; and shall moreover erect and maintain, during the continuance of this Corpo-

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ration, sufficient fences up on the line of the route of their single or double Rail Road or Way.

X. And be it enacted, That if any person or persons shall wilfully do, or cause to be done any act or acts whatever, whereby any building, construction, or work of the said Corporation, or any engine, machine, or structure, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired, weakened, injured, or destroyed, the person or persons so offending, shall forfeit and pay to the said Corporation, double the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said Corporation, by action of debt, to be brought in any court of Record in this Province.

Persons wilfully injuring the works to forfeit double the amount of damage done.

XI. And be it enacted, That the said Company, or their agents or servants, at any time after the passing of this Act, under and by virtue of its provisions, shall and may construct, erect and build, and furnish a double or single Iron or Wooden Rail Road or Way as aforesaid, on any part or portion of the country lying between the Town of London aforesaid, and Burlington Bay, the navigable waters of the River Thames and Lake Huron; and also that the said Rail-Road or Way contemplated by this Act, shall not in any degree interfere with, or encroach on any fee simple, right, or private easement of any individual now holding and enjoying the same, or entitled thereto, without the permission first had and obtained either by the consent of the owner thereof, or by virtue of reference authorised by this Act.

Company not to encroach on private rights without consent of owners.

XII. And be it enacted, That the property, affairs and concerns of the said Company, shall be arranged and conducted by seven Directors, one of whom

Company to be managed by seven Directors

shall be chosen President, who shall hold their offices for one year, which said directors shall be Stockholders to the amount of, at least ten shares, and be elected on the first Monday in June, in each and every year, at London at such time of the day as a majority of the Directors for the time being shall appoint, and public notice thereof shall be given in any Newspaper or Newspapers that may be published in the said Districts of London and Gore, at least one month previous to the time of holding the said election, and that the said election shall be held and made by such of the Stockholders of the said Company, as shall attend for that purpose, in their own persons, or by proxy; and all elections for such Directors shall be by ballot, and the seven persons who shall have the greatest number of votes at any election shall be Directors, and if it shall happen at any such election that two or more have an equal number of votes, in such a manner that a greater number of persons than seven, shall, by a plurality of votes, appear to be chosen Directors, then the said stockholders hereinbefore authorised to hold such election, shall proceed to elect, by ballot, until it is determined which of the said persons have an equal number of votes, shall be Director or Directors, so as to complete the whole number of seven, and the said Directors so chosen, as soon as may be, after the said election, shall proceed in like manner, to elect by ballot, one of their number to be President, and if any vacancy or vacancies shall at any time happen among the Directors, by death, resignation or removal from the Province, such vacancy or vacancies shall be filled, for the remainder of the term in which they may happen, by a person or persons to be nominated by

Votes according to No.  
of Shares.

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a majority of the Directors. [This section is amended by Act 9 Vic., Chap. 81. S. 32 changing place for holding Elections for Directors, and 12 Vic. chap. 156, S. 6 altering number of Directors from 6 to 11.]

XIII. And be it enacted, That each Stockholder shall be entitled to the number of votes proportioned to the number of shares he or she shall have held in his or her own name at least one month prior to the time of voting, according to the following rates, that is to say—one vote for each share not exceeding four, five votes for six shares, six votes for eight shares, seven votes for ten shares, and one vote for every five shares above ten.

[This Section amended by 12th Vic. Chap. 156, giving one vote for each share.]

XIV. And be it enacted, That in case it should at any time happen that an election of Directors should not be made on any day when pursuant to this Act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any day to hold and make an election of Directors in such manner as shall have been regulated by the bye-laws and ordinances of the said corporation.

XV. And be it enacted, that the Directors for the time being, or a majority of them, shall have power to make and subscribe such rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property estate and effects of the said Company, and touching the duty of officers, clerks and servants, and all such other matters and things as appertain to the business, with such salaries and allowances as to them shall seem fit.

XVI. Section Repealed.

XVII. Section Repealed.

XVIII. And be it enacted, That as soon as directors have been appointed as aforesaid it shall and may be lawful for them to call upon the Stockholders of the said Company, by giving thirty days notice thereof in any newspaper published in the aforesaid Districts of London and Gore, for an instalment of five per cent. upon each share which they or any of them may respectively subscribe, and that the residue of the sum or shares of the stockholders shall be payable by instalments in such time and in such proportions as a majority of the stockholders at a meeting to be expressly convened for that purpose shall agree upon, so as no such instalments shall exceed five per cent., nor become payable in less than thirty days after publication in the newspapers as aforesaid—provided always that the said Directors shall not commence the construction of the said Rail Road or Way, until the first instalment shall be paid in.

Shares forfeited by non-payment of any instalment.

XIX. And be it enacted, That if any Stockholders as aforesaid shall refuse or neglect to pay at the time required, any such instalment or instalments, as shall be lawfully required by the Directors as due upon any share or shares, such stockholder or stockholders so refusing or neglecting shall forfeit such share or shares as aforesaid with any amount which shall have been previously paid thereon, and that the said shares may be sold by the said Directors, and any sum arising therefrom, together with the amount previously paid thereon, shall be accounted for, and applied in like manner as other monies of the said company.— Provided always, that the purchaser or purchasers

shall pay the said company the amount of instalment required, over and above the purchase money of the share or shares so purchased as aforesaid. Provided always that thirty days notice of the sale of such forfeited shares shall be given in any Newspaper or Newspapers published in the London and Gore Districts, and that the instalments due may be received in redemption of any such forfeited share at any time before the day appointed for the sale thereof.

Annual dividends of profits to be made.

XX. And be it enacted. That it shall be the duty of the Directors to make annual dividends of so much of the profits of the said Company as to them or a majority shall seem advisable, and that once in each year an exact and particular statement shall be rendered of the state of their affairs, debts, credits, profits and losses, such statement to appear on the books, and to be open to the perusal of any stockholder at his or her reasonable request.

Public Act.

XXI. And be it enacted. That this Act shall be deemed and taken to be a public Act, and as such shall be judicially noticed by all Judges, Justices of the Peace and other persons without being specially pleaded.

XXII. And be it enacted. That at any time after forty years after making and completing the said Rail Road or way, His Majesty His Heirs and Successors may assume the possession and property of the same, and of all and every the works and dependencies thereto belonging, upon paying to the said company, for the use of stockholders thereof, the full amount of their respective shares, or of the sums furnished and advanced by each subscriber towards the making and completing the said double or single Iron or wooded Rail Road or Way,

Power of His Majesty to assume possession, &c.

together with such further sum as will amount to twenty per cent., upon the monies so advanced and paid as a full indemnification to such company, and the said double or single Iron or Wooden Rail Road or Way, shall from the time of such assumption in manner aforesaid, appertain and belong to His Majesty, His Heirs and Successors, who shall from thenceforth be substituted in the place and stead of the said Company, upon the conditions and subject to the provisions of any act of the Legislature of this Province that may be passed respecting the same; provided always that it shall not be lawful for His Majesty His Heirs or Successors at any time after the expiration of the said forty years, to assume the possession and property of the said Rail Road or Way, with their appertinances as aforesaid, unless it shall appear from the accounts of the said Company to have received every year upon an average the sum of twelve pounds ten shillings for every one hundred pounds they shall be possessed of in the said concern.

After in possession by the Crown, tolls to be paid to Rec. General, &c.

XXII. And be it enacted, That from and after the period when the possession of the right interest and property in and to the double or single Iron or Wooden Rail Road or Way shall have been assumed by His Majesty, His Heirs or Successors as herein before authorised, all tolls and profits arising therefrom shall be paid into the hands of His Majesty's Receiver General to and for the public uses of this Province, at the disposal of the Legislature thereof, and shall be accounted for to His Majesty. His Heirs and Successors shall be graciously pleased to direct; provided always, that the said double or single Iron or Wooden Rail Road or Way shall be commenced within two years after the passing of this

Act, and finished from the town of London to the Burlington Bay within ten years, and from the said Town of London to the navigable waters of the River Thames and to Lake Huron in twelve years, otherwise this Act and every matter and thing contained shall cease and be utterly null and void.—  
(Modified by renewed Charter.)

XXIV. And be it enacted, That this Act shall not be construed to give any power to the said company to erect ways or works of any description upon or over either the Grand River or River Thames, so as to interfere in any manner with the free use and navigation thereof.

Company's  
works on  
Grand River  
not to inter-  
fere with its  
navigation.

(This Section modified by 13 Vic. ch.

XXV. And be it enacted, That notwithstanding the privileges hereby conferred, the Legislature may at any time hereafter make such addition to this Act, or such alterations of its provisions as they may think proper for affording just protection to the public or to any person or persons, body politic or corporate, in respect to their estate property or rights, or any interest therein, or any advantage, interest, or convenience connected therewith, or in respect to any way, or right of way, public or private, that may be affected by any of the powers given by this Act.

This Act  
may be mod-  
ified by the  
Legislature.

XXVI. Section Repealed.



ACT  
TO REVIVE CERTAIN PROVISIONS  
OF THE ACT INCORPORATING  
THE GREAT WESTERN RAILROAD COMPANY :  
AND TO ENABLE THEM  
TO CARRY OUT THE SAME.

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Preamble.

WHEREAS it is expedient to revive, with certain exceptions and amendments, the Act of the Legislature of Upper Canada, passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "*An Act to incorporate certain persons under the style and title of 'The London and Gore Rail Road Company,'*" Be it therefore enacted, &c., That the said Act passed in the fourth year of the Reign of His late Majesty King William the Fourth, and intituled, "*An Act to incorporate certain persons under the style and title of 'The London and Gore Rail Road Company,'*" shall and is hereby revived, and shall be in full force and effect as if the several provisions thereof were herein repeated and re-enacted, subject to the provisions hereinafter made: Provided always, that the sixteenth, seventeenth and twenty-sixth sections of the said Act, and so much of the twenty-third section or of any part thereof, as limits the duration of the said Act, or as assigns the corporate name of the Company thereby established, or is in any way inconsistent or repugnant to the

provisions of this Act, shall not be so revived but shall be and remain repealed.

II. And be it enacted, That notwithstanding any thing in the said Act, the corporate name of the company to be constituted under the authority thereof shall be "*The Great Western Railroad Company*," by which name, instead of "*The London and Gore Railroad Company*," the said Company shall have and exercise the privileges granted by the said Act or by this Act.

Name of the Company.

III. And be it enacted, That notwithstanding as aforesaid, the said Company shall have full power to make or continue their Rail Road, from the Town of London to Point Edward at the foot of Lake Huron, and to the Detroit River, and to any point on the Niagara River, and that they may contract, compound, compromise and agree with the owners or occupiers of any lands upon which they may determine to construct such Rail Road, either for the purchase of so much of the said lands and privileges as they shall require, or for any damage done either to or by the said Company, in the same manner as provided by the Act hereby revived in cases of the same kind.

Powers of Company extended to certain other lines of road.

IV. And be it enacted, That notwithstanding as aforesaid, the whole capital stock of the said Company may have or hold by virtue of the Act hereby revived or of this Act, may be equal to, but shall not exceed one million, five hundred thousand pounds, currency, to be held in 60,000 shares of £25 each; and that the Shares of the Capital Stock may, after the first instalment thereon shall have been paid, be transferred by the respective persons subscribing and holding the same to any other person or persons, and such transfer shall be entered and registered in a book or books to be kept for

Capital Stock.

that purpose by the said Company; Provided always, that nothing herein contained shall authorize the said Company to act as Bankers or in any way to carry on or use the business of Banking.

Election of  
Directors.

V. And be it enacted, That on the first Monday in February next, a meeting of the Stockholders of the said Company shall be held at London, at which meeting such Stockholders shall proceed in the manner provided by the Act hereby revived, to elect some persons to be Directors, who shall elect by ballot one of their number to be their President, and shall continue in office until the first Monday in June after their election, and who, during such continuance, shall discharge the duties of Directors in the same manner as if they had been elected at the annual election; Provided always, that if on the said first Monday in February next, shares to the amount of £25,000 in the Stock of the said Company be not taken up, or if for any other cause the said meeting be not then held, the said first meeting shall not be held until the said amount be taken up, and at least thirty days notice thereof given in any newspaper or newspapers published in the Districts of London and Gore,—but at whatever time such first meeting shall be held, the Directors elected thereat shall remain in office until the first Monday in June next thereafter.

Railroad to  
be commenced  
in four  
years from  
passing this  
Act.

VI. And be it enacted, That the Rail Road which the said Company are authorised to make by this Act and by the Act hereby revived, shall be commenced within four years of the passing of this Act, otherwise this Act and every matter and thing therein contained shall cease and be utterly null and void,—and the several lines of Rail Road which the said Company are authorised to make as aforesaid shall be respectively completed and fit for pub-

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VII. And be it enacted, That the provisions of the twenty-fifth section of the Act hereby revived, shall apply to this Act and to the privileges hereby granted, as well as to the said Act and to the privileges granted by the same.

Provisions  
of 25th sec.  
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act revived.

VII. And be it declared and enacted, That except this Act and so much of the Act herein first above cited as is hereby revived, and all other Acts relative to *The London and Gore Rail Road Company*, or to *The Great Western Rail Road Company*, and more especially the Act of the Legislature of Upper Canada passed in the seventh year of the Reign of His late Majesty King William the Fourth, intituled "*An Act to alter and amend the Act incorporating sundry persons under the name of the London and Gore Rail Road Company, and to grant them a sum of money by way of Loan*,"—and the Act of the said Legislature passed in the same year of the same Reign, and intituled "*An Act to provide for the payment in certain cases, of the Interest on the Loan for the construction of the Great Western Rail Road*,"—and so much of the Act of the said Legislature passed in the same year of the same Reign and intituled, "*An Act to make further provision respecting the affording public aid to the Great Western Rail Road, and to Toronto and Lake Huron Rail Road, and for other purposes therein mentioned*," as relates to the said Great Western Rail Road, are and shall be null and void, and of no force and effect whatsoever.

# AN ACT

## TO ALTER AND AMEND THE CHARTER OF THE GREAT WESTERN RAILROAD COM'Y.

[Passed 6th June, 1846.]

[Recites that in consequence of 55,000 out of 60,000 Shares of the Capital Stock of the Great Western Railroad Company having been subscribed for in England, it was expedient that the Acts therein referred to should be altered, so as to afford proper protection to such English Shareholders.]

[The Amendments contained in this Act, granting such protection, viz: Sections 1 to 25 inclusive, were afterwards repealed by the Act of 12th Victoria, chap. 156.]

Arbitrators  
to be ap-  
pointed.

XXVI. And be it enacted, That whenever any lands or grounds required by the said Company, for the purpose of the said Rail-road, are held or owned by any person or persons, bodies corporate, politic or collegiate, whose residence may not be within this Province, or unknown to the said Company, or when the title to any such lands or grounds may be in dispute, or when the owner or owners of such lands or grounds are unwilling or unable to treat with the said Company for the sale thereof, or to appoint Arbitrators, it shall and may be lawful for the said Company, after having first given thirty days notice of such intention in some newspaper published in the District where such lands are situated, to nominate and appoint one or more indifferent



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person or persons, and for the Judge of the District Court for the District in which such lands or grounds are situate, on the application of the said Company to nominate and appoint an equal number of indifferent persons, who, together with one or other person, to be elected by ballot by the person so named shall be Arbitrators to award, determine, adjudge and order the respective sums of money, which the said Company shall pay to the respective persons entitled to receive the same, for the said lands or grounds, or damages as aforesaid, and the decision of the majority of such Arbitrators shall be final, which said amount so awarded the said Company are to pay or cause to be paid to the said several parties entitled to receive the same, when demanded; and also that a record of such award or arbitration shall be made up and signed by the said Arbitrators or a majority of them, specifying the amount of such award, and the costs of such arbitration, which may be settled by the said Arbitrators or a majority of them, which record shall be deposited in the Registry Office of the County in which such lands or grounds are situated; and also that the expenses of the said arbitration shall be paid by the said Company: Provided always, that in all Arbitrations under this or any other Act relating to the said Rail Road, the Arbitrators shall take into consideration the benefit conferred on the property on which they are arbitrating, as well as the damage done to any particular portion thereof.

XXVII. And be it enacted, That whenever any lands or grounds required to be used or occupied by the said Company, shall be held under mortgage it shall and may be lawful to and for the said Company to nominate and appoint one or more

Lands when  
held under  
mortgage.

indifferent person or persons, and for the Judge of the District Court for the District in which the lands or grounds are situate, on the application of the said Company, to nominate and appoint an equal number of indifferent persons, who together with one other indifferent person to be elected by ballot by the person so named, shall be Arbitrators to decide and assess the value of the said lands or grounds, or the amount of damage to be paid to the owner thereof as aforesaid ; and upon such decision or award the said Company shall pay or cause to be paid the amount of such award to the Mortgagee, as a payment for and on account of the said mortgage; and upon such payment being so made the Mortgagor and Mortgagee are hereby required and compelled to join in conveying the said lands or grounds to the said Company or their Successors: Provided always, that when the amount of such award shall exceed the amount secured or payable on such mortgage, the said Company after the amount due on such mortgage shall be satisfied, shall pay or cause to be paid the balance of the said award to the mortgagor, or other person or persons entitled to receive the same.

Compensation to be made to Indians for use of land.

XXVIII. And be it enacted, That if the double or single iron, or wooden Rail Road or way of the said Company shall pass through tracts of land or property belonging to, or in possession of any tribe of Indians in this Province, or if any act occasioning damage to their property or possession shall be done under the authority of this Act, compensation shall be made to them therefor in the same manner as is provided with respect to the property, possession or rights of other individuals ; and that whenever it shall be necessary that Arbitrators shall be

chosen by the parties for settling the amount of such compensation the Chief Officer of the Indian Department within this Province, is hereby authorized and required to name an Arbitrator on behalf of the said Indians, and the amount which shall be awarded in any case shall be paid where such lands belong to any Tribe or body of Indians to the said Chief Officer for the use of such Tribe or body.

XXIX. And be it enacted, That whenever it shall be necessary for the said Company to occupy any part or parts of the lands or grounds belonging to the Crown or which have been at any time heretofore specially set apart and reserved, or which are designated or commonly known as Crown Lands or lands reserved for Military purposes, they shall first apply for and obtain the license and consent of Her Majesty the Queen, Her Heirs and Successors, under the hand and seal of the Governor, or person administering the Government of this Province for the time being, and having obtained such license and consent, it shall and may be lawful for them at any time or times to enter into and upon, have, hold, use and enjoy any part or parts of the said lands and grounds for the purposes of this Act, or for any other purposes connected therewith.

XXX. And be it enacted, That after any lands or grounds shall be set out and taken as aforesaid, by the said Company, for the purpose of making and completing the said double or single iron or wooden Rail-road or way, or for other the purposes and conveniences aforesaid, it shall and may be lawful for all bodies corporate, politic or collegiate, corporations, communities, guardians, executors, administrators, and all other trustees or persons, not only for and on behalf of themselves, their heirs

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Indemnity  
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and successors, but also for and on behalf of those whom they represent, whether infants, issue unborn, lunatics, idiots, *femes-covert*, or other person or persons, who are, or shall be seized, possessed of or interested in any lands or grounds which may from time to time be required as aforesaid ; and that all contracts, agreements, sales, conveyances and assurances so to be made, shall be valid and effectual in law to all intents and purposes whatsoever ; any law, statute, usage or custom to the contrary thereof in anywise notwithstanding ; and all bodies politic, corporate or collegiate, and all persons whatsoever conveying as aforesaid, are hereby indemnified for what he, she or they, or any of them shall respectively do by virtue of or in pursuance of this Act.

lands to be  
registered.

XXXI. And be it enacted, That all deeds and conveyances for lands to be conveyed to the said Company for the purposes of this Act may be, as far as the title to the said land or the circumstances of the party making such conveyance will permit in the form given in the Schedule to this Act marked A, and all Registrars are hereby authorized to enter in their Register Books such deeds on the production and proof of execution thereof without any memorial, and to minute such entry on the said deed ; and the said company are to pay to the said Registrar for so doing the sum of two shillings and six pence, and no more.

Annual  
meeting of  
Stockhold-  
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XXXII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the annual meetings of the Stockholders of the said Company, for the election of Directors, to be holden at the Town of Hamilton, in the District of Gore, notice thereof being given at least thirty

days prior to such election, in one or more newspapers in each of the Districts of London and Gore, and also in the Western District.

**XXXIII.** And be it enacted, That it shall and may be lawful for the Board of Directors, or a majority of them, for the time being, to make such By-laws, Rules and Regulations as they may think proper, for the junction or union of the said Company with any other Company or Companies or Association, formed under any deed or deeds of settlement in England or elsewhere, or by Charter in this Province, and for the management, direction and carrying out of the objects of such junction or union, and for the securing to all parties to such junction or union the stipulations and agreements which may be mutually settled upon between them.

**XXXIV.** And be it enacted, That the said Company shall at all times, when thereunto required by Her Majesty's Deputy Post Master General, the Commander of the Forces, or any person having the command or superintendence of any Police Force, carry Her Majesty's Mail, Her Majesty's Naval or Military Forces or Militia, and all artillery ammunition, provisions or other stores for their use, and all Policemen, Constables, and others travelling on Her Majesty's service on their said Rail Road, on such terms and conditions, and under such regulations as the said Company and the said Deputy Post Master General, the Commander of the Forces, or person in command of any Police Force, respectively, shall agree upon, or if they cannot agree, then upon such terms and conditions and under such regulations as the Governor, or person administering the Government, shall in Council make: Provided, that by such regulations

Board of Directors to pass by-laws

Company to convey Her Majesty's troops, &c.



Proviso:

the Company shall not be required to start any train or Steamboat at any other time than their ordinary time of starting the same ; but they may be required to provide a separate carriage for the Mail and the person or persons in charge thereof : And provided also, that any further enactments which the Legislature of this Province may hereafter deem it expedient to make with regard to the carriage of the said Mail or Her Majesty's Forces, and other persons and articles as aforesaid, or the rates to be paid for carrying the same, or in any way respecting the use of any Electric Telegraph, or other service to be rendered by the Company to the Government, shall not be deemed an infringement of the privileges intended to be conferred by this Act ; and nothing in this Act contained shall be construed to authorize the said Company to take or enter upon any lands or real estate of any kind belonging to Her Majesty, Her Heirs or Successors, or vested in or held in trust by the Principal Officers of Her Majesty's Ordnance, or any public body, person or party in trust for the uses or service of Her Majesty, Her Heirs or Successors, whether such real estate be held in fee simple or for any less estate, during the continuance of such estate, unless the entering upon or taking of such lands or real estate be authorized by the Governor in Council, or by the Commander in Chief of Her Majesty's Forces in this Province.

Saving  
rights of the  
Crown.

XXXV. And be it enacted, That nothing herein contained shall affect or be construed to affect in any manner or way whatsoever the rights of Her Majesty, Her Heirs and Successors, or of any person or persons, or of any bodies politic, corporate or collegiate, such only excepted as are herein mentioned.

## SCHEDULE A.

Know all men by these presents, that I, A. B., in consideration of the sum of \_\_\_\_\_ to me in hand paid by the Great Western Railroad Company, the receipt whereof is hereby acknowledged, have granted, bargained, sold, conveyed and confirmed, and by these presents do grant, bargain, sell, convey and confirm unto *The said Great Western Railroad Company*, their Successors and Assigns for ever, all that certain parcel or tract of Land and Premises situate and being (*here describe the land*,) the same having been selected by the said Company for purposes connected with the Road: To have and to hold the said Land and Premises, with the apurtenances thereunto belonging, to the said *Great Western Railroad Company*, their Successors and Assigns for ever.

Witness my Hand and Seal, this    day of    18    .

Signed, sealed and delivered, in the presence of

[L. S.]

# AN ACT

## TO ALTER AND AMEND THE CHARTER OF THE GREAT WESTERN RAILROAD COM'Y.

[Passed 30th May, 1849.]

**Preamble.** WHEREAS in and by the Act passed in the ninth year of Her Majesty's Reign, and intituled, *An Act to alter and amend the Charter of the Great Western Rail-road Company*, certain extraordinary powers, rights and privileges were granted to the Stockholders resident in England and a Corresponding Committee established in London, England, in consideration of the large amount of capital stock of the Company held in that country; And whereas the President and Directors of the said Company have by petition, by and with the consent of the English Stockholders, moved for the repeal of so much of said recited Act as relates to the establishment of the said Corresponding Committee, and so place the said Stockholders on the same common ground with the other Stockholders of the Company; And whereas it is proper to grant such petition: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the provisions of the said recited

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Act, so far as they are inconsistent with this Act and the provisions herein contained, shall be, and the same are hereby repealed.

II. And be it enacted, That so much of the first Part of Sec. 1 repealed. Section of the said Act as relates to affording protection to the English Stockholders of the said Company, be, and the same is hereby repealed.

III. And be it enacted, That the second, third, Sect. 2 to 22 repealed. fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, and twenty-second Sections of the said recited Act, be, and the same are hereby repealed.

IV. And be it enacted, That any Shareholder in Shareholders to have equal rights the said Company, be he or she a British Subject or alien, a resident in Canada or elsewhere, shall have equal rights to hold stock in the said Company, to vote on the same, and be eligible to office in the said Company.

V. And be it enacted, That every Shareholder Shareholders may vote by proxy. in the said Company shall be entitled to appoint any person whomsoever, being also a Shareholder, to vote and act for him or her by proxy, at all general meetings of the Company, and for the election of Directors, and that each Shareholder shall be entitled to give one vote for each and every share of capital stock held by him or her.

VI. And be it enacted, That the number of Eleven instead of 7 Directors. Directors in the said Company shall be and consist of eleven instead of seven.

VII. And be it enacted, That this Act is and shall be for all purposes and in all Courts of Justice regarded as a Public Act, and the same as such Public Act. shall be judicially noticed without being specially pleaded.

# AN ACT

TO PROVIDE FOR AFFORDING THE GUARANTEE OF THE PROVINCE  
TO THE BONDS OF RAILWAY COMPANIES.

[Passed 30th May, 1849.]

Preamble.

WHEREAS at the present day, the means of rapid and easy communication by Rail-way, between the chief centres of population and trade in any country and the more remote parts thereof, are becoming not merely advantageous, but essential to its advancement and prosperity; And whereas experience has shown, that whatever be the case in long settled, populous and wealthy countries, in those which are new and thinly peopled and in which capital is scarce, the assistance of Government is necessary and may be safely afforded to the construction of lines of Rail-way of considerable extent; and that such assistance is best given by extending to Companies engaged in constructing Rail-ways of a certain length, under Charter from, and consequently with the approval of the Legislature, the benefit of the guarantee of the Government, under proper conditions and restrictions, for loans raised by such Companies to enable them to complete their work: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act*

*to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada; and* it is hereby enacted by the authority of the same, That it shall be lawful for the Governor in Council, on behalf of this Province, to guarantee the interest on loans to be raised by any Company chartered by the Legislature of this Province for the construction of a Line of Rail-way not less than seventy-five miles in extent, within this Province, on condition,—That the rate of interest guaranteed shall not exceed six per cent. per annum,—that the sum on which interest shall be so guaranteed shall not be greater than that expended by the Company before the guarantee is given, and shall be sufficient to complete their road in a fitting manner, and to the satisfaction of the Commissioners of Public Works, provided always, that no such guarantee be given to any Company until one-half of the entire line of Road shall have been completed,—that the payment of the interest guaranteed by the Province shall be the first charge upon the Tolls and profits of the Company, and that no dividend shall be declared so long as any part of the said interest remains unpaid,—that so long as any part of the principal on which interest is guaranteed by the province remains unpaid, no dividend shall be paid to the Stockholders, until a sum equal to three per cent. on the amount so remaining unpaid, shall have been set aside from the surplus profits of such Rail-road, and paid over to the Receiver-General under the provisions hereinafter contained as a Sinking Fund for the redemption of the debt on which interest is guaranteed as aforesaid,—and that the Province shall have the first hypothetic, mortgage and lien upon the Road, Tolls and property of the Company for any sum

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paid or guaranteed by the Province, excepting always, the hypothetic, mortgage or lien of holders of bonds or other securities on which interest is guaranteed by the Province, for the interest so guaranteed and the principal on which it shall accrue.

II. And be it enacted, That each Rail-way Company, deriving any aid or advantage under this Act, shall make up and render to the Inspector-General of Public Accounts of this Province, each half year a true account in writing of the affairs of such Company, in such form and with such particulars as the said Inspector-General shall from time to time require, which said Accounts shall be signed by the President and the Directors of the said Company, or a quorum of that body, and shall be sworn to by the parties signing the same before one of the Judges of the Superior Courts of Common law jurisdiction in Upper-Canada, or one of the Judges of the Court of Superior Civil Jurisdiction in Lower-Canada, and the said Company or the proper officer thereof shall, within ten days after the rendering of such account, pay over such amount as may be payable under the provisions of this Act to the Receiver-General of this Province.

Sinking  
Fund.

III. And be it enacted, That the sum or sums of money hereinbefore provided to be taken from the surplus profits of any Rail-road as a Sinking Fund, shall be invested by the Inspector-General of this Province in such securities of this Province as may be approved by the Governor in Council ; Provided always, that it shall be lawful for the Directors of any such Company to make such By-laws as may be requisite to prevent the provision of this Act in respect of such Sinking Fund from bearing unequally upon any class of Stockholders.

IV. And be it enacted, That, provided the conditions mentioned in the foregoing Section be observed, it is expedient that such guarantee be afforded under such further terms and conditions as may be deemed necessary by the Governor in Council, and agreed to by the Company applying for such guarantee, it being clearly understood, that no enactments which the Legislature may hereafter make, to ensure the observance of such terms and conditions, or to give effect to the privileged claim and lien of the Province upon the Road, Tolls and property of the Company, or to secure the Province from loss by such guarantee, shall be deemed an infringement of the rights of the Company.

Further conditions may be agreed on.

V. And be it enacted, That any monies which shall be payable on behalf of the Province under any of the provisions of this Act, may be paid out of any unappropriated monies forming a part of the Consolidated Revenue Fund ; and that all monies due by any Company as having been paid for them under any guarantee given under this Act, shall be deemed monies due by such Company to Her Majesty, payable according to the provisions of this Act, and the conditions agreed upon by the Governor in Council and such Company.

As to monies advanced.

## AN ACT

TO EMPOWER MUNICIPAL CORPORATIONS TO SUBSCRIBE FOR  
STOCK IN THE GREAT WESTERN RAILROAD COMPANY.

[Passed 23rd July, 1850.]

Preamble.

WHEREAS the Great Western Railroad Company and the Municipal Corporations of certain localities through which the Company are empowered to make their Railroad, have prayed that such Corporations and all others who may be so disposed may be enabled to subscribe for Stock of the said Company, and it is expedient to promote an undertaking so important to the interests of the Province, by granting the prayer of the said Petition: Be it therefore enacted, &c. That it shall be lawful for the Common Council of the city of Hamilton, and for any other Municipal Corporation in this Province to subscribe for any number of shares in the Capital Stock of the said Great Western Railroad Company, or to lend any sum of money to the said Company, or to guarantee and become security for the payment of any sum of money borrowed by the said Company after the passing of this Act, from any other Corporation or party, or to endorse or guarantee the payment of any Debentures to be issued by the said Company for money borrowed by them after the passing hereof: Provided always, that nothing herein contained shall be construed to increase the total amount of the Capital Stock which the said Company is now authorized by law to raise, or the total amount of money which it is now authorized to borrow.

II. And be it enacted, That the Municipal Corporation of any county, city, Town, Township, or Village who shall subscribe for Stock of the said Company, or lend or guarantee the payment of any sum of money under this Act, shall have full power and authority to cause to be assessed and levied, from time to time, upon the whole rateable property in such County, City, Township or Village, sufficient sums to enable them to discharge the debts, obligations and engagements which they shall have contracted as aforesaid ; and also, for the like purpose, to issue Debentures, payable at such times, and for such sum respectively, not less than *twenty five pounds*, and bearing or not bearing interest, as such Corporation may think meet.

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III. And be it enacted, That any Debenture which any Corporation may, under this Act issue, endorse or guarantee, shall be valid and binding upon such Corporation, if signed, endorsed, or countersigned by such officer or person, and in such manner and form as shall be directed by any By-law of the Corporation, and it shall not be necessary that it be under the Seal of the Corporation, or that any further form be observed with regard to it than such as shall be directed in such By-law as aforesaid.

How debentures, &c.  
may be executed.

IV. And be it enacted, That it shall not be lawful for any Municipal Corporation to subscribe for Stock as aforesaid, or incur any debt or liability under this Act, unless and until a By-law to that effect shall have been duly made and adopted with the consent first had and obtained of a majority of the qualified electors of the Municipality, present at a meeting called for that purpose by the Mayor, Warden or Town Reeve, at the request of any ten,

Corporations not to incur liability without assent of voters.

such electors, by public advertisement containing a copy of such proposed By-law, inserted at least four times in each Newspaper printed within the limits of the Municipality, or if no newspaper be printed therein, then in some one or more Newspapers printed in the immediate vicinity thereof, and circulated therein.

V. And be it enacted, That the Warden, Mayor or Town Reeve, being the head of any Municipal Corporation subscribing for and holding shares in the Stock of the said Company to the amount of Twenty Five Thousand Pounds or upwards, shall be *ex officio*, one of the Directors of the said Company, in addition to the number of Directors now authorized by Law, and shall have the same rights, powers and duties as any of the other Directors of the said Company.

Mayor, &c.  
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## AN ACT

TO EMPOWER THE GREAT WESTERN RAILROAD COMPANY TO  
MAKE A BRANCH RAILROAD TO THE TOWN OF GALT.

[Passed August, 1850.]

Preamble.  
WHEREAS the Townreeve of the Town of Galt, in the County of Halton, has petitioned the Legislature that the Great Western Railroad Company may be empowered to construct a Branch Railroad from their main line to the said Town, and the said Great Western Rail Road Company have, by petition, expressed their readiness to construct such Branch, and have prayed to be empowered to construct the same, and it is expedient to grant the prayer of the said Petition : Be it therefore enacted &c. That the said Great Western Railroad Company shall have full power to construct and make, and to work and use a Branch Railroad from such point on the main line of the Railroad they are now empowered to construct, as may be found most suitable, to the said town of Galt ; and that all the privileges, powers and rights vested in the said Company with regard to the Railroad they are now empowered to construct, and all the duties and obligations imposed upon them with regard to the same, by the Act incorporating the said Company and the Acts amending the same, and all the provisions of the said Acts which are susceptible of such extension, shall extend to and with regard to the said Branch Road, as fully and effectually as to the Railroad the said Company are now empowered to

construct, to all intents and purposes; and the said Acts shall be construed and have effect as if the said Branch Railroad had been mentioned and described in the said Act of Incorporation as part of the Railroad and Works which the said Company were thereby empowered to construct.

And be it enacted, That nothing in the Charter of the said Great Western Railroad Company or in any Act of Parliament affecting the same, enacted or contained shall be construed to prevent the said Company from crossing any navigable rivers or waters with the said Railroad, upon duly providing against any unnecessary obstruction of the navigation thereof.

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## EXTRACTS

FROM THE MUNICIPAL ACT, 12TH VICTORIA, CHAP. 81, POINTING OUT THE DUTY OF MUNICIPAL CORPORATIONS IN PASSING BY-LAWS CREATING ANY DEBT, THE PROVISIONS OF WHICH SHOULD BE OBSERVED BY CORPORATIONS WHEN PASSING BY-LAWS AUTHORISING STOCK TO BE TAKEN UNDER THE ACT EMPOWERING SUCH MUNICIPAL COUNCILS TO TAKE STOCK.

CLXXVII. And be it enacted, That it shall be the duty of such Municipal Corporations respectively, to cause to be assessed and levied upon the whole rateable property in their Counties, Cities, Towns, Townships and Villages respectively, a sufficient sum of money in each year, to pay all debts incurred or which shall be incurred, with the interest which shall fall due or become payable within the year; and no By-law hereafter to be passed for the creation of any such debt, or for the negociation of any loan, shall be valid or effectual, to bind any such Municipal Corporation, unless a special rate per annum over and above, and in addition to all other rates whatsoever shall be settled in such By-law, to be levied in each year for the payment of the debt to be created by the loan to be negociated, nor unless such special rate shall be sufficient according to the amount of rateable property in such County, City, Town, Township, or Village, as the case may be, as shall appear by the then last assessment returns of such County, City, Town, Township or Village, to satisfy and discharge such debt, with the interest thereof, within twenty years from the passing of such By-law, and it shall not be competent to any such Municipal Corporation, to repeal such By-law, or to discontinue such rate, until the debt so to be incurred and the interest thereon shall be fully paid and discharged; nor to apply the proceeds thereof to any other purpose than the payment and satisfac-

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tion of the same ; Provided always, nevertheless, in the event of there being any part of such special rate on hand, and which cannot be immediately applied towards the payment and satisfaction of such debt by reason of no part thereof being then payable, it shall be the duty of such Municipal Corporation, and they are hereby required to invest such money in the Government Securities in this Province or in such other Securities as the Governor of this Province shall by order in Council direct or appoint, and to apply all interest or dividends to arise or be received upon the same to the like purpose, as the amount so levied by such special rate, and no other.

By-Laws  
for raising  
Loans, &c.

CLXXVIII. And be it enacted, That any By-law by which it shall be attempted to repeal any such By-law for raising any such loan, or for the payment and satisfaction of the debt contracted for any such loan or to alter any such last mentioned By-law so as to diminish the amount to be levied for the payment and satisfaction of such loan or the interest thereof, until such loan and interest shall be fully redeemed, paid and satisfied, shall be and the same is hereby declared to be absolutely null and void to all intents and purposes whatsoever and if any of the officers of such Municipal Corporation shall, under pretence of such pretended By-law, neglect or refuse to carry into effect and execution the said By-law for levying the necessary moneys to redeem, satisfy and discharge such loan and the interest thereof, every such officer shall be deemed guilty of a misdemeanor, and shall be punished by fine or imprisonment, or both, at the discretion of the Court whose duty it shall be to pass the sentence of the law upon such offender.

CLXXIX. And be it enacted, That it shall be the duty of every Sheriff who shall receive a writ of Execution against any Municipal Corporation created or to be created under the authority of this Act, if such Writ shall be endorsed with a direction to such Sheriff to levy the amount thereof by rate, to deliver a copy of such Writ of Execution and endorsement to the Chamberlain or Treasurer of such Municipal Corporation, or to leave such copy at the office, place of business or dwelling House of such Chamberlain or Treasurer, with a statement in writing of his Fees, and the whole amount for principal, interest and costs required to be paid to satisfy such execution, calculated to the day of the service of such copy as aforesaid, or some day as near as convenient may be to the same, and in case such amount, with interest thereon from the day mentioned in such statement, shall not be paid to such Sheriff within one calendar month after such service, it shall be the duty of such Sheriff to examine the adjusted and settled assessment rolls of such Municipal Corporation, on file in the office of the Clerk of such Corporation, and to strike a rate upon the same in like manner as rates may be struck by such Municipal Corporation for the general Municipal purposes of such Corporation, which rate shall be of a sufficient amount in the pound according to such assessment rolls to cover the amount so due on such execution, with such addition to the same as in the judgment of such Sheriff shall be sufficient to cover the interest, Sheriff's fees, and Collector's per centage to accrue thereon to the time when such rate shall probably be available for the satisfaction of the same : And thereupon, such Sheriff shall, by a precept or precepts under his

Duty of Sheriffs with respect to Writs of Execution against Municipal Corporations.



hand and seal of office, directed to the different Collectors of such Municipal Corporation respectively, reciting such Writ of Execution, and that such Municipal Corporation had neglected to make provision according to Law for the satisfaction thereof, and containing the roll of such rate in a Schedule to be annexed to such precept, command such Collectors respectively, to levy and collect such rate within their respective jurisdictions, at the time and in the manner that they are by law required to levy and collect the annual rates for the general purposes of such Municipal Corporation, and if at the time for levying and collecting such annual rates next after the receipt of any such precept, such Collectors shall have a general rate roll delivered to them for such year, it shall be their duty to add a column thereto, headed: "Execution Rate in A. B. vs. The Township," (or as the case may be, adding a similar column for each execution if more than one) and to insert therein the amount by such precept required to be levied upon each person respectively according to the requirements of such precept, and to levy and collect the amount of such Execution rate from such persons respectively, in the same manner as such general annual rate is by law directed to be levied and collected by such Collectors, and to return such precept with the amount so levied and collected thereon, after deducting his per centage therefrom, to such Sheriff within the same time as such Collectors are or shall by law be required to make the returns of the general annual rate aforesaid to the Chamberlain or Treasurer of such Municipal Corporation; Provided always nevertheless, firstly, that any surplus that shall remain in the hands of such Sheriff upon any

Duty of Collectors under Precepts

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such precept or precepts, after satisfying such Execution, and all interest, costs and fees thereon, shall by such Sheriff be paid over to the Chamberlain or Treasurer of such Municipal Corporation within ten days after the same shall be so received by him, and be applicable to the general purposes of such Municipal Corporation as the surplus of any other rate ; And provided also, secondly, that the Clerk <sup>Proviso.</sup> of such Municipal Corporation, and the several Assessors and Collectors of such Corporation, shall, for all purposes in any way connected with the carrying into effect or permitting or assisting such Sheriff to carry into effect the provisions of this Act, with respect to the satisfaction of any such execution, be taken and deemed to be Officers of the Court out of which such Writ of Execution issued, and as such shall be amenable to such Court, and may be proceeded against by Attachment or otherwise to compel the performance of the duties hereby imposed upon them as any other Officers of such Court may by law be proceeded against for a similar purpose.